

REMARKS

Claims 1, 6, 28, 33, 39 and 41 are amended as discussed below. Claim 42 is new. No new subject matter is introduced by the present amendments. Claims 1, 2, 4-7, 9-20, 28, 29, 31-34, and 36-42 are pending in the present case.

Amendments to the claims

Independent claims 1 and 41 are amended to further establish material transformation as detailed below. Support for the amendments and the subject matter of new claim 42 can be found in at least paragraph 31 and the original specification as a whole.

Other claim amendments are meant to correct antecedent basis and other minor claim deficiencies.

Claim Rejections – 35 U.S.C. 112

Claims 1, 2, 4-7, 9-20, 28-29, 31-34, and 36-41 are rejected under 35 U.S.C. 112 first and second paragraph as containing subject matter which was not described in the specification. More particularly, it is alleged that the expression “said assessment comprising a grade for the vehicular part” found in claims 1, 28 and 41 has no support in the specification because of the statement found in page 9, paragraph 34 which reads “the folder is then returned to the dealer along with the assessment or grading ...” It is alleged that the presence of the term “or” in the statement implies that both terms are equivalent, and thus that there is no support for the assessment to comprise the grade.

The applicant respectfully disagrees with the above allegation. As claimed and described in the specifications, the disposition is determined based on the grade, which forms part of the assessment. The use of the term “or” in the description does not imply any equivalence. If the grade is contained in the assessment, then one may describe the return as a return of the assessment or of the grade (i.e. a return of the assessment implies a return of the grade as well since one contains the other; and inversely the grade may be returned independently of the entire assessment).

In addition, basic language knowledge does not lead to an equivalent interpretation of both terms. As per the Webster’s English dictionary, the term “grade” refers to “a position in a scale of ranks or qualities” or “a degree of severity”, while “assessment” refers to an “action or an instance of assessing, determining the rate or amount of, importance, size, value of...” There is no confusion that both terms have a different meaning and are thus not equivalent. A skilled reader would clearly understand that the assessment is to comprise a grade.

To be sure, a simple example will illustrate the Applicant’s argument. A person is asked to go the market to purchase a fruit salad (comprising oranges) or oranges. Inevitably, he will return from the market with oranges (either in the fruit salad or by themselves), but not necessarily with a fruit salad. Furthermore, anyone will understand that a fruit salad is not equivalent to oranges.

In light of the above arguments, it is submitted that claims 1, 2, 4-7, 9-20, 28-29, 31-34, and 36-41 are compliant. Reconsideration is kindly requested.

Claim 6, 28, 33 and 39 are hereby amended to remove any insufficient antecedent basis to the expressions “disposing” and “disposition”.

Claim Rejections – 35 U.S.C. 101

Claims 1, 2, 4-7, 9-20, and 38-41 are rejected for not tying the method steps to another statutory class, or positively reciting the subject matter that is being transformed, or material that is being changed in state.

In response, claim 1 and 41 are hereby amended to tie the method steps to another statutory class (such as the central server), and positively recite the subject matter

transformed (such as per the outputting step). In light of this amendment, it is submitted that claims 1, 2, 4-7, 9-20, and 38-41 are now compliant. Reconsideration is kindly requested.

Claim Rejections – 35 U.S.C. 102

Claims 28, 29, 31, 32 and 36 are rejected as being anticipated by Joao (US2002/00116655A1). The Applicant's response is detailed below.

Regarding claim 28:

- 1- The Office Action states, in reference of paragraphs 179 and 180 of Joao, that "the vehicle contains parts and the list of parts is stored and tracked in the system, and further this information is included in the diagnosis of problems and state of disrepair so the system described in Joao reads over the claims". The applicant respectfully disagrees. Joao does not teach that a state of disrepair is **associated with each one of the vehicle parts**.

- a. Paragraph 179 teaches that database 10H "contains data and/or information regarding the equipment and parts which are found in each vehicle." Joao does not provide any detail concerning the "data and/or information" apart that it may include parts manufacturers and providers or identifications of replacement parts.
- b. Paragraph 80 teaches that a state of disrepair is associated with **the entire vehicle**.

In view of points a) and b), the applicant maintains the position that Joao refers to a state of an **entire vehicle** while the claims refer to a **grade of a vehicular part**. These terms are far from equivalent.

2. In addition, Joao teaches an output device for outputting data or reports such as "a diagnostic report, a repair report, a maintenance report, and a servicing report" (abstract). In view of this and point (1) above, Joao therefore does not teach output means as claimed.

The Applicant therefore respectfully submits that none of the cited references teach or suggest the combination of elements described in independent claim 28. The claim rejections under 35 U.S.C 102 to independent claim 28 and those depending

from it should be withdrawn at least in view of the above-noted differences.

Claim Rejections – 35 U.S.C. 103

Claims 1, 2, 4-7 and 9-20, 38 and 41 are rejected as being obvious over Joao in view of Hormozi. Claims 33, 34 and 37 are rejected as being obvious over Joao. Claim 39 is rejected as being obvious over Joao in view of Hormozi and further in view of Williams et al. Claim 40 is rejected as being obvious over Joao in view of Hormozi and further in view of Untiedt et al.

These rejections are moot in view of the arguments and amendments submitted above, and more specifically, in view of the fact that an assessment is not equivalent to a grade. The applicant respectfully submits that none of the prior art teaches the subject matter as claimed.

It is respectfully submitted that claims 1, 2, 4-7, 9-20, 28, 29, 31-34, and 36-42 now on file meet the patentability criteria and a Notice of Allowance to this effect is earnestly solicited.

Respectfully,

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